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501.38435VX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. MITANI et al.
Application No.: 10/084,477
Filed: February 28, 2002
For: A SEMICONDUCTOR DEVICE
Art Unit: 2818
Examiner: D. Nhu

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 24, 2003

Sir:

In response to the Office Action dated March 24, 2003, reconsideration is respectfully requested for the reasons set forth below.

In the March 24, 2003 Office Action, the sole ground of rejection against claims 12, 13 and 19-32 is based on U.S. Patent 6,043,536 to Numata in view of U.S. Patent 6,063,686 to Masuda. However, with regard to the primary reference to Numata, it is noted that this was filed in the United States on May 18, 1999, and that no indication is provided that this patent is entitled to the benefit of any priority to an earlier U.S. application under 35 U.S.C. § 120. The present application, on the other hand, is a Divisional of U.S. Patent 09/554,754, filed on May 19, 2000 and entitled to the benefit of the PCT application PCT/JP98/04256 filed on September 22, 1998. As such, the present application is entitled to the benefit of the PCT filing date of September 22, 1998, prior to the U.S. filing date of May 18, 1999 of the Numata patent.

In addition, the present application is entitled to the benefit of priority under 35 U.S.C. § 119 for the Japanese priority document JP 9-320973, duly filed in Japan on November 21, 1997. With regard to this, Applicants are enclosing herewith a sworn translation of Japanese patent application number 09/320973 filed on November 21, 1997 for purposes of establishing that Applicants, are in fact, entitled to the November 21, 1997 filing date. This is clearly prior to not only the U.S. filing date of May 18, 1999 for the Numata patent, but also prior to the May 19, 1998 Japanese priority date claimed by Numata.

In summary, inasmuch as the present application is entitled both to the September 22, 1998 PCT filing date and the November 21, 1997 Japanese priority date, both of which are prior to the U.S. filing date for the Numata patent (and, in the case of the foreign priority date, prior to Numata's Japanese priority date), it is respectfully submitted that the Numata patent is unavailable as a reference under the provisions of 35 U.S.C. §§ 103(a)/102(e). therefore, removal of the rejection of claims 12, 13 and 19-32 based on the rejection to Numata and Masuda is respectfully requested.

Incidentally, it is noted that receipt of the certified copy of the priority document has been acknowledged in the parent application serial number 09/554,754 in the Notification of Acceptance of Application Under 37 CFR 371 and 37 CFR 1.494 or 1.495, mailed for the USPTO on June 12, 2000. Accordingly, all requirements for obtaining the benefit of the November 21, 1997 foreign priority date under 35 U.S.C. § 119 have been met in this case.


If the Examiner believes that there are any other points which may be clarified or otherwise disposed of, either by telephone discussion or by personal interview,

the Examiner is invited to contact applicants' undersigned attorney at the number indicated below.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, Deposit Account No. 01-2135 (501.38435VX1).

Respectfully submitted,

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